

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**REINALDO FANTAUZZI**

**v.**

**JOHN E WETZEL, et al.**

**: CIVIL ACTION**

**:**

**: NO. 18-5166**

**:**


**:**

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of September 2019, upon considering Defendants' Motion to dismiss (ECF Doc. No. 29) the amended Complaint (ECF Doc. No. 23), no timely response, and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion to dismiss (ECF Doc. No. 29) is **GRANTED**:

1. **With prejudice** as to Plaintiff's *pro se* claims against the individual state actors in their official capacity; for injunctive and declaratory relief; and, for allegedly depriving him of procedural due process through grievance procedures; and,

2. **Without prejudice** as to Plaintiff's *pro se* claims for alleged cruel and unusual punishment relating to the September 24, 2016 assault and the supplemental state law claims, with leave to file a second amended Complaint no later than **October 18, 2019** on these claims, as well as other timely claims not already dismissed with prejudice arising from the same occurrences.

  
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**KEARNEY, J.**